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<u> </u>	T	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
APPLICATION NO.	FILING DATE		10003917-1	1993
09/825,048	04/03/2001	George J. Hudak		
7590 08/05/2002 AGILENT TECHNOLOGIES			EXAMINER	
Legal Departme	ent, 51U-PD		CHERRY, EUNCHA P	
Intellectual Property Administration P.O. Box 58043			ART UNIT	PAPER NUMBER
Santa Clara, Ca	A 95052-8043		2872	_
			DATE MAILED: 08/05/2003	2

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

		Application No.	Applicant(s)		
•	•				
-, ·	0 m	09/825,048	HUDAK, GEORGE J.		
	Offic Action Summary	Examiner	Art Unit		
		EUNCHA P. CHERRY	2872		
Period f	The MAILING DATE of this c mmunicat	ion appears on the c ver sneet with	Tale correspondence add. 955		
A SHO THE N - Exter after - If the - If NO - Failu	ORTENED STATUTORY PERIOD FOR MAILING DATE OF THIS COMMUNICA' is sons of time may be available under the provisions of 37 SIX (6) MONTHS from the mailing date of this communic period for reply specified above is less than thirty (30) day period for reply is specified above, the maximum statutor re to reply within the set or extended period for reply will, reply received by the Office later than three months after the patent term adjustment. See 37 CFR 1.704(b).	TION. 7 CFR 1.136(a). In no event, however, may a repation. 1 sys, a reply within the statutory minimum of thirty ry period will apply and will expire SIX (6) MONTI	oly be timely filed (30) days will be considered timely. HS from the mailing date of this communication. NDONED (35 U.S.C. § 133).		
1)	Responsive to communication(s) filed	on			
2a)□	This action is FINAL . 2b)	★ This action is non-final.			
3)□	Since this application is in condition fo closed in accordance with the practice ion of Claims	r allowance except for formal matt under <i>Ex parte Quayle</i> , 1935 C.D	ers, prosecution as to the merits is 0. 11, 453 O.G. 213.		
•	Claim(s) 1-20 is/are pending in the app	olication.			
7/63	4a) Of the above claim(s) is/are	withdrawn from consideration.			
	Claim(s) is/are allowed.				
	Claim(s) 1-20 is/are rejected.				
7)	and the second s				
	Claim(s) are subject to restriction	n and/or election requirement.			
	tion Papers				
9)□	The specification is objected to by the E	Examiner.			
10)	The drawing(s) filed on is/are: a))□ accepted or b)□ objected to by th	ne Examiner.		
	Applicant may not request that any object	tion to the drawing(s) be held in abeya	ance. See 37 CFR 1.85(a).		
11)	The proposed drawing correction filed of	on is: a)∏ approved b)∐ d	isapproved by the Examiner.		
,	If approved, corrected drawings are requi	ired in reply to this Office action.			
12)[The oath or declaration is objected to b				
Priority	under 35 U.S.C. §§ 119 and 120				
13)	Acknowledgment is made of a claim for	or foreign priority under 35 U.S.C.	§ 119(a)-(d) or (f).		
) All b) Some * c) None of:				
	1. Certified copies of the priority do	ocuments have been received.			
	2 Certified copies of the priority documents have been received in Application No				
*	3. Copies of the certified copies of application from the Internation of the attached detailed Office action	f the priority documents have been tional Bureau (PCT Rule 17.2(a)). for a list of the certified copies not	received in this National Stage received.		
14)	Acknowledgment is made of a claim for	domestic priority under 35 U.S.C.	§ 119(e) (to a provisional application).		
Į.	 a) The translation of the foreign lang Acknowledgment is made of a claim fo 	luage provisional application has b	een received.		
Attachme					
2) [No	tice of References Citèd (PTO-892) tice of Draftsperson's Patent Drawing Review (PT ormation Disclosure Statement(s) (PTO-1449) Pa	O-948) 5) Notice of	Summary (PTO-413) Paper No(s) Informal Patent Application (PTO-152)		

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DETAILED ACTION

Claim Objections

1. Claims 4, 11 and 18 are objected to because of the following informalities: the word "sufficient" renders claims ambiguous because the word is subjective in that the meaning can be vary from person to person. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 3. Claims 1-3, 7-10, 14, 16 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Braymen.

Braymen discloses a gas plasma emission source (figure 3) comprising: a resonant cavity (32); and a solid state power source coupled to the resonant cavity (12 and column 5, lines 23), wherein a cable is coupled between the solid state power source and the resonant cavity (16, 30) and the resonant cavity includes a tube disposed through the resonant cavity (inherent,

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otherwise sample 25 will leak). The solid state power source couples into the resonant cavity sufficient power to sustain a plasma in a gas disposed within the resonant cavity (column 5, lines 50-55), the plasma constitutes a fluctuation load with respect to the fluctuating load on the solid state power source and the sufficient power is substantially stable with respect to the fluctuating load (inherent). The spectrographic detector is disposed to sense atomic emissions from a gas within the resonant cavity (column 5, line 58 - column 6, line 10).

It is further noted that the reference meets all the claimed structure as set forth in support of a manner of using the device, and therefore inherently must be capable of this use in the same manner as structure of the claims.

4. Claims 1, 6 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Akiyoshi et al.

Akiyoshi et al discloses a gas plasma emission source (figure 12) comprising: a resonant cavity (409); and a solid state power source coupled to the resonant cavity (column 15, lines 14-35 and column 16, lines 21-28). The solid state power source includes an oscillator and amplifier (column 16, lines 21-28).

Claim Rejections - 35 USC § 103

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5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 6. Claims 4, 5, 11, 12, 15 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Braymen.

except that the power is less than 300 watts or 100 watts. It would have been obvious to one having ordinary skill in the art at the time the invention was made to choose a power level that does not damage the cable, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. One would have been motivated to choose a power level for the purpose of minimizing a possibility of damaging cable between the power source and the resonant cavity.

It is further noted that the reference meets all the claimed structure as set forth in support of a manner of using the device, and therefore inherently must be capable of this use in the same manner as structure of the claims.

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Conclusion

- The prior art made of record and not relied upon is 7. considered pertinent to applicant's disclosure. Keil et al, Arnold et al, Seltzer and Jowitt et al disclose gas plasma emission sources.
- Any inquiry concerning this communication or earlier communications from the examiner should be directed to EUNCHA P. CHERRY whose telephone number is 703-305-0997. The examiner can normally be reached on M-F 6:30-4:00, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CASSANDRA SPYROU can be reached on 703-308-1687. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

Just My Euncha Cherry

July 31, 2002